

## RECORDING OF PROCEEDINGS

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Wyoming Board of Agriculture  
August 17, 2012  
State Fair, Douglas, Wyoming

Present: John Hansen, President  
Patrick Zimmerer, Vice President  
Jana Ginter  
Jim Hodder  
Shaun Sims  
John Moore  
Bryan Brost  
Jim Price, Jr.  
Cameron Smith  
Richard Schlenker  
Dr. Frank Galey, UW Dean of the College of Ag and Natural Resources  
Jason Fearneyhough, Director

Absent: Alison Lass  
Governor Mead's Office

### **Call to order and roll call**

A quorum was established.

### **Approval of minutes**

**Shaun Sims made a motion to approve the May 23, 2012, July 10, 2012 and July 25, 2012 minutes. The motion was seconded by Jim Price. All voted in favor. Motion carried.**

### **Budget review and approval**

Julie Cook explained the budget for the new FY. Travel is reduced for the necessary 8% cuts.

**Jana Ginter made a motion to accept the new BFY budget as presented. The motion was seconded by Bryan Brost. All voted in favor. Motion carried.**

### **AgriFuture/Farm Bill Update**

Jason said Congress is in recess until September so we won't see anything until then. Before the recess, the Senate passed their version but the House has not. Before the recess, they did propose a disaster portion. The two versions are about 10 billion apart. The Senate wants to take their cuts out of agriculture and the House is looking about taking their cuts out of nutrition. Jason asked Jim Magagna what his thoughts are and he agreed with Jason about not getting it done until November. He said there may be an extension of the 2008 Farm Bill which

may be done in September. Frank Galey said they are hoping to harmonize the matching grants. He thinks the Senate version of the bill does more for Brucellosis than the House version.

AgriFuture is scheduled for October 16, 17, and 18 in Laramie and the Board of Agriculture will be meeting the afternoon of October 16. Jason acknowledged Todd Ballard, Ted Craig, Derek Grant, and Oakley Anderson as having a lot to do with the planning. Ted talked about some of the speakers slated for the conference.

### **Food Rule/Poultry Exemption Update**

Linda Stratton said CHS has had three meetings to clarify the new Food Rule. The meetings were held in Riverton, Sheridan and Casper and the public hearing is slated for August 22 beginning at 1 p.m. in the Conference Room of the Department of Agriculture.

The new rule says if leafy greens are cut off the mother plant it is fine, but if it is chopped and appears to be a prepared food, it can be potentially hazardous.

Raw milk clarification is no more than what the law says now. It is illegal to have cow shares, but if you serve raw milk to your family or guests, that's fine.

Chapter 15 rule for poultry was requested by producers. It now will require that with farm-fresh eggs, there must be a separate room for candling and it requires washing and refrigerating if sold to a licensed operation. If there is a 1,000 chicken, or less, operation it does not require inspection at time of slaughter, but the facility has to be inspected and licensed, just as they all do.

Jason asked Ted Craig to talk about community kitchens and whether they could upgrade some to commercial. Ted indicated the FISMT grants are awarded to help some kitchens to be upgraded. The one in Torrington is done, Wheatland is working on it, and Ft. Caspar is looking at upgrading as well as several others around the state.

### **Agenda items for the joint meeting 9/13 with Game & Fish**

The Game and Fish would like to discuss wolf management, and elk damage (working with producers), invasive species, the Wisdom Program (habitat identifying GIS system), and mountain lions. Bryan Brost would like to discuss the feeding elk with budget problems what they are. Jim Magagna said that added confidentiality for producers should be discussed when

discussing wisdom. Doug and Jason agree that landowners need to be protected because is a very powerful system. Doug said that the information should not be used for other purposes that go away from agriculture.

### **NASS Update**

Todd Ballard, the NASS State Statistician, gave the members and update on the progress of crops and upcoming surveys. He said most of the crops are progressing two to three weeks ahead of schedule, but the conditions are worse than last year for all crops. The soil moisture supplies, stock waster, as well as irrigation supplies are in very short supplies. The pasture conditions are rated at 81% poor to very poor, which are the worst conditions since 2002. He also said 14 of the 33 reporting stations for their crop weather are reporting four or more inches below normal precipitation.

They recently released their August crop production along with the crop weather. The report indicated that barley production is down 9% from last year. Hay production is expected to be down 23% from last year, sugar beets are up 10% and dry bean production is forecast to be up 30% from last year. He said the acreage is up considerably but the yield is expected to be the same.

The will be continuing yield surveys for selected crops through December. The final Ag survey for small grains was conducted the first and second weeks of September. He also said the Census of Agriculture will be mailed out December 31. He said the data is used extensively in policy making as well as for grants. This survey is done every five years and is the only place they get much of their data and publish it as the county level.

### **EPA Update**

Jim Martin, Director, Howard Cantor, Deputy Director, and Rebecca Perrin, Ag Advisor, all from Region 8 EPA out of Denver were on hand to give an update from the agency. At their meeting Wednesday with Senator Udall, the petition filed on nutrient information was denied. They don't have standards for the entire basin and they are looking at a more local/common-sense approach. NPEDES over water was started last year, and the court told them to go back and re-do the implementation. The on-line system is clear and simple now, although there are continued complaints they are working through.

Jim Martin said they are still not going to regulate farm dust. The EPA still doesn't have a good definition of the waters of the US.

Shaun asked about regulations on regional haze. EPA is now sending letters to the states to work on regulating haze based on some guidance done several years ago. All states in the region have submitted plans except Montana – who requested EPA regulate. They are still working through all of the issues and plans to get it right. The stationary structures are what they are looking at, not farm dust, or natural events.

Hank wanted to know if there are other focus groups working on hypoxia. Jim said the gulf is the main focus, but nutrient pollution is becoming more and more prevalent. Jim Martin said they are hoping to encourage states to use an innovative approach, but they know the issue won't be going away in the next few years.

Shaun asked where the Useatrainibilty Study stands at this point. Jim said Region 8 is working with the head office in educating them on why Wyoming is different than Rhode Island. He said they will continue working with DC on Wyoming's innovative approach.

Slade Franklin said the application process for NPDES is simple but he has heard some rumblings from the Lander area regarding possible civil lawsuits.

#### **WASDA Update**

Patrick talked with the board regarding the convention in Cody and he thanked the staff for their hard work.

#### **Canadian Consulate Update**

Pamela was not able to attend due to several issues going on. Jason thanked them for their efforts in acquiring the attendance and performances of the Royal Canadian Mounted Police.

#### **CCAA/Green Mountain Update**

Dick Loper said the CCAA group has developed a 77 page plan. The plan provides protection from USFSWS for those who sign up. The AG Execs gave comments to Justin on the document to provide to the service, but comments back from them have not been received. After a future meeting with USFWS, they will be releasing the document along with an EA. Jim Magagna said the solicitor has reviewed and has agreed with the assurance of the document. If you get a CCAA, there will be some protection and does not prevent the listing of the bird. Jason asked about the double side of the amendment process of the document. Jim Magagna said that the CCAA can be cancelled upon 30 days notice if there were amendments from USFW

that didn't fit, the producer can cancel. That, of course, would take the protection away from their land.

Dick Loper identified some of the conservation measures that can be used for the sage grouse. He encouraged all producers to document all improvements or conservation measures being made.

Shaun Sims said the paper is a tool, although not perfect, may be something some of the producers may be able to use.

### **NRCS Update**

Astrid said she has a request in for money for the fires, but most of the money is going for drought. Sediment and erosion control is what they are working on currently. Next year they are hoping to direct some EQUP money for fire restoration.

She said they are looking at operations and programs chiefs at the DC level, which is similar to the state level.

She also offered an economist at her office to help producers if needed and said the Chief has committed another five years for the Soil and Water Assessment Tool (SWAT).

Game & Fish is interested in the 1-J rule, which gives landowner protection for ferrets, but the neighbor doesn't have that same protection.

Predators on sage grouse have been ignored too long by Game & Fish and Jim Magagna would like to see the joint meeting in September include this on the agenda.

Dick Loper summarized the background and the issues that go along with that, when the permittee is interested in changing from a sheep to a cattle permit. The large permit is still a sheep permit owned by Stan Cole. There are some cattle permits. He said there is a hearing scheduled for two weeks in February in Lander. A decision by BM in 2011 divided the permit into four, which has helped to make it a more manageable permit. Dick Loper said the implementation of 4-6 in. stubble height which is being used, is proving to be very problematic to producers. This standard is being used in riparian areas. He said the lack of upland water is key to meeting the stubble standard.

Larry Bentley talked about the CRM process that was started last year on the western side of the Green Mountain Allotment. He said they have been documenting the upland areas as well

as the riparian areas. Dick Loper said he was going to get to some of the positive news coming from a doom and gloom situation up there and he agrees with the comments made by Larry. Dick Loper said Ryan Lance has been instrumental in participating and the support of the Land Board in coming up with \$100,000 for upland improvements. Dick said the changes of personnel in the BLM Lander office have made a difference in their minds to the advancement of the whole thing.

### **Intern Presentation**

Oaklee Anderson, the Administration intern talked about the various things she has learned this summer and how much she has enjoyed the internship. She will graduate in December and is enjoying public relations of the summer. Oakley was a huge part of the production of the 100<sup>th</sup> book that is being sold.

### **FSA Update**

Gregor Goertz talked about the final disaster declaration that was made earlier for the state. Teton County is the only county that is not a primary. The emergency loan fund still has money and the tax deferral has been one of the large portions. SBA is to give loans to small Ag related business such as sale barns. The emergency conservations program also helps with the drilling of wells, pipelines or water hauling to get water to livestock and fences in the fire areas. CRP has been opened for grazing on an emergency basis. Gregor said he is also working with USFWS and Game & Fish on opening this up before the nesting dates of July 15.

### **Livestock Board Update**

Dr. Logan said two herds are still under quarantine for brucellosis and those producers have all been very cooperative. If a state has a reservoir of brucellosis they are required to enter into an MOU with USDA. There will be a brucellosis review of the designated surveillance area on September 10 and 11. They are in the process in developing rules to combine some of the rules for TB and Brucellosis. They are looking at having the new rules by this fall.

The radio frequency tags for vaccination of brucellosis are currently being used, but they are better for traceability and will tie into the program moving commerce forward.

TB has not been found in Wyoming. There is not a comprehensive surveillance for TB and traces have been found from other states.

There have been two Anthrax cases in Colorado, but Wyoming hasn't had any cases for 50 years. He went on to say that with the dry hot weather, the spores may surface.

Leanne said that Brent Larsen, who represented the sheep industry, has left the board and they are looking for someone who can fill that position from Albany County.

She also said that the first part of January there are also two more members whose terms expire they will need to fill. Teton and Sheridan are the two counties, of which one needs to be a sheep producer.

Because of the problems in the past with abandoned brand, they have developed an internal policy of the renewal process, as well as some statute changes.

The legislature appropriated some funding for computerization and they are hoping to get an integrated system for personnel.

Leanne said they are willing to come to another board meeting to demonstrate the system and they are hoping to have the first sale using this system, in September.

### **Board Updates**

Dr. Galey said that college enrollment up at 2,000, which is an all time record. They are also publishing accounts of over 100 producer driven projects. There will also be a Brucellosis meeting this fall in either Pinedale or Cody unless Governor wants it elsewhere.

Shaun said the next ADMB meeting will be in Evanston which includes tours of deer herds and some of the collaring of some deer. They have done some pre-fawning predator control and should have report at next meeting. He also attended the NACD meeting in DC. He said Representative Cynthia Lummis is tracking the Equal Justice Act and has offered two amendments which will track where the funding goes.

The Livestock Board has created a special focus area for Trichomoniasis. Uinta, Lincoln and Sweetwater counties have had numerous cases in certain herds. The WLB requires a test on all bulls over 9 months of age. As a result only one additional case has been found. Dr. Logan said they may find additional cases this fall. The industry asked for this help.

Patrick re-capped the Living Legacy program.

**Drought/Fire Update**

Doug said Gregor covered most of the drought updates. Six public meetings have been held in the state. Doug said they gave information and took information at the meetings. The State Engineer's Office has said they are getting all permits with rush orders. The department has information on hay and grazing on the website and trying to give information to those who need answers.

**Public Comment**

None

There being no additional business, the meeting was adjourned.

Respectfully submitted,

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John Hansen, President

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Date